IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.1249 OF 2006
IN
CRIMINAL APPEAL NO.1019 OF 2006

Sunil Mukadam Pardeshi ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mr.Shriram Shirsat, adv. for the Applicant.
Mr.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 10th January, 2007.

P.C.:

1. Heard Mr.Shriram Shirsat, the learned counsel for the applicant and Mr.Adsule, the learned APP.

2. The applicant was convicted for the offences punishable under Sections 307, 323 and 506(II) of the I.P.C. and was sentenced to undergo the R.I. for 5 years, 1 year and six months respectively with some fine. Appeal filed by him against his conviction and sentence is already admitted. By this application, he seeks to be released on bail pending the hearing and final disposal of the appeal.

3. It appears that the applicant was in love with the prosecutrix. However, she got married and settled in Gujarat about 4 years prior to the incident. on

7-11-2005 she was seen walking with her husband in a park in Malabar Hill area and at that time, the accused allegedly assaulted her with thermacol cutter and caused contused laccerated wound on her neck. The accused is in jail since the same date. The learned counsel informs that the thermacol cutter was small about 2 or 3 inches long weapon. Taking into consideration nature of the injury, short sentence of 5 years and the fact that appeal in this Court may take long time, I am inclined to grant bail to the applicant on certain conditions.

4. Pending the final hearing and disposal of the Criminal Appeal No.1019 of 2006 filed by the present applicant, he shall be released on his executing a P.R.Bond of Rs.25,000/- with surety of like amount with a condition that he shall not enter within the limits of Malabar Hill Police Station without prior permission of the concerned police station and shall not misuse the bail in any manner. He shall furnish his residential address to Malabar Hill Police station after his release.

5. Application stands disposed off.

(J.H.Bhatia,J.)